

This listing of claims will replace all prior versions, and listings, of claims in the application.

**Listing of Claims:**

1-20. (Canceled)

21. (Currently Amended) A method for identifying a far-end modem type, comprising:  
receiving a response signal from a far-end modem in response to a transmitted V.8  
ANSam tone; ~~and~~

determining from the response signal whether the far-end modem is a commercial  
modem or a secure modem; and

establishing a commercial signaling data link layer if the far-end modem is  
determined to be a commercial modem and establishing a secure signaling data link layer if  
the far-end modem is determined to be a secure modem.

22. (Previously Presented) The method of claim 21, wherein determining whether the far-end  
modem is a commercial modem or a secure modem comprises determining whether the far-  
end modem is a V.series modem or a future secure voice system modem.

23. (Previously Presented) The method of claim 22, wherein determining whether the far-end  
modem is a commercial modem or a secure modem comprises:

determining whether the response signal is a V.8 CM tone; and  
if the response signal is a V.8 CM tone, determining that the far-end modem is a V.8  
modem.

24. (Previously Presented) The method of claim 21, wherein determining whether the far-end  
modem is a commercial modem or a secure modem comprises:

determining whether the response signal has a nominal frequency of about 1800 Hz;  
and

if the response signal has a nominal frequency of about 1800 Hz, determining from  
the response signal whether the far-end modem is a V.32 modem or a secure modem.

25. (Previously Presented) The method of claim 24, wherein determining whether the far-end modem is a V.32 modem or a secure modem comprises:

- determining whether the response signal includes phase shifts; and
- if the response signal does not include phase shifts, determining that the far-end modem is a V.32 modem.

26. (Previously Presented) The method of claim 24, wherein determining whether the far-end modem is a V.32 modem or a secure modem comprises:

- determining whether the response signal includes phase shifts; and
- if the response signal includes phase shifts, determining that the far-end modem is a secure modem.

27. (Previously Presented) The method of claim 21, further comprising:

- determining from the response signal, an operational mode of the far-end modem.

28. (Previously Presented) The method of claim 27, wherein determining the operational mode of the far-end modem comprises:

- determining whether the response signal includes phase reversals; and
- if the response signal includes phase reversals, determining that the far-end modem is a future secure voice system modem in alternate mode.

29. (Previously Presented) The method of claim 27, wherein determining the operational mode of the far-end modem comprises:

- determining whether the response signal includes a 128 dibit gap; and
- if the response signal includes a 128 dibit gap, determining that the far-end modem is a future secure voice system modem in half-duplex mode.

30. (Previously Presented) The method of claim 27, wherein determining the operational mode of the far-end modem comprises:

- determining whether the response signal includes phase reversals;
- determining whether the response signal includes a 128 dibit gap; and

if the response signal does not include phase reversals or a 128 dibit gap, determining that the far-end modem is a future secure voice system modem in interoperable mode.

31. (Currently Amended) A method for determining a far-end modem type, comprising:  
receiving a response signal from a far-end modem in response to a transmitted P1800 Hz tone with phase reversals; ~~and~~  
determining from the response signal whether the far-end modem is a commercial modem or a secure modem; and  
establishing a commercial signaling data link layer if the far-end modem is determined to be a commercial modem and establishing a secure signaling data link layer if the far-end modem is determined to be a secure modem.

32. (Previously Presented) The method of claim 31, wherein determining from the response signal whether the far-end modem is a commercial modem or a secure modem comprises:  
determining whether the far-end modem is a V.32 modem or a secure modem.

33. (Previously Presented) The method of claim 32, wherein determining whether the far-end modem is a V.32 modem or a secure modem comprises:  
determining whether the response signal includes a V.32 AC; and  
if the response signal includes a V.32 AC, determining that the far-end modem is a V.32 modem.

34. (Previously Presented) The method of claim 31, further comprising:  
determining whether the response signal includes a future secure voice system ("FSVS") Message A; and  
if the response signal includes an FSVS Message A, determining that the far-end modem is an FSVS modem in alternate signaling mode.

35. (Previously Presented) The method of claim 31, further comprising:  
determining whether the response signal includes a V.32 AC;

determining whether the response signal includes a future secure voice system (“FSVS”) Message A; and

if the response signal includes neither a V.32 AC nor an FSVS Message A, determining that the far-end modem is an FSVS modem in interoperable mode.

36. (Previously Presented) The method of claim 31, further comprising:

monitoring an incoming channel for energy at 2100 Hz; and

if 2100 Hz energy is present in the incoming channel for at least about one second, then determining whether the far-end modem is a V.32 compliant commercial modem or a secure modem in interoperable mode or alternate mode.

37. (Currently Amended) A computer-readable medium having stored thereon computer executable instructions for performing a method for identifying a far-end modem type, the method comprising:

receiving a response signal from a far-end modem in response to a transmitted V.8 ANSam tone; ~~and~~

determining from the response signal whether the far-end modem is a commercial modem or a secure modem; and

establishing a commercial signaling data link layer if the far-end modem is determined to be a commercial modem and establishing a secure signaling data link layer if the far-end modem is determined to be a secure modem.

38. (Currently Amended) A computer-readable medium having stored thereon computer executable instructions for performing a method for identifying a far-end modem type, the method comprising:

receiving a response signal from a far-end modem in response to a transmitted P1800 Hz tone with phase reversals; ~~and~~

determining from the response signal whether the far-end modem is a commercial modem or a secure; and

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establishing a commercial signaling data link layer if the far-end modem is  
determined to be a commercial modem and establishing a secure signaling data link layer if  
the far-end modem is determined to be a secure modem.